

REMARKS

Applicants have carefully considered the August 21, 2008 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance.

Claims 1, 4, 7, 9-10, 12-14, 16, 18-20 and 22-27 are pending, of which claims 1, 13, 18 and 23 are independent. Claims 11 and 21 have been cancelled in this document without prejudice.

Claims 1, 4, 7, 9-14, 16 and 18-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the first host material being an anthracene derivative or an iridium complex is not supported by the original disclosure. In this regard, Applicants have amended claims 1, 13, 18 and 23 to recite “(first) assisting dopant” being an anthracene derivative or an iridium complex. Support for these amendments is found, for example, at page 8, lines 4-10 and page 12, lines 12-18 of the specification as filed. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, first paragraph, is not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 1, 4, 7, 9-14, 16 and 18-27 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Igarashi et al. (US 7,291,405). These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested.

It is noted that Igarashi was filed on December 18, 2003 in the U.S., and published on November 6, 2007 (or July 15, 2004 as 2004/0137267). The present application was filed on

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March 26, 2004 claiming foreign priority to Japanese Patent Applications JP 2003-089415 (filed on March 27, 2003) and JP 2004-079216 (filed on March 18, 2004). Thus, the Office Action appears to use Igarashi as 35 U.S.C. § 102(e) type prior art, based on the fact that Igarashi was filed (but not published) before the U.S. filing date of the present application.

Applicants submit that Igarashi is not a proper prior art reference under 35 U.S.C. § 103(a) because, as shown above, the earliest priority date of the present application is earlier than the U.S. filing date of Igarashi. Applicants respectfully submit the certified English translation of Japanese Patent Application JP 2003-089415 (filed on March 27, 2003) with this document to perfect the foreign priority of the invention under 35 U.S.C. § 119. Therefore, Applicants respectfully request that the Examiner withdraw the rejections of these claims under 35 U.S.C. § 103(a) based on Igarashi.

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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